

quate and effective treatment for such conditions, and it was not capable of fulfilling the promises of benefit made for it.

DISPOSITION: March 3, 1954. Default decrees of condemnation and destruction.

4357. Misbranding of Ozonator device. U. S. v. 2 Cartoned Devices, etc. (F. D. C. No. 35401. Sample No. 65445-L.)

LABEL FILED: September 15, 1953, District of South Dakota.

ALLEGED SHIPMENT: During the month of June 1953, by A. L. Gesche, from Spokane, Wash.

PRODUCT: 2 cartoned *Ozonator devices* at Lemmon, S. Dak., together with a number of leaflets entitled "Northwest Ozonator" and a booklet entitled "Ozone God's Gift to Humanity."

The device consisted of 8 tubes, together with the electrical equipment necessary to produce an electrical discharge through the tubes when the device was connected to an appropriate power source.

LABEL, IN PART: (Sticker attached to device) "A. C. 60 Cycle 115-20 V. Ozonator Guaranteed for 1 year against defects Northwest Ozonator Co. W. 1610 Gardner Ave. Spokane 11, Washington."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets and booklet accompanying the device were false and misleading. The statements represented and suggested that the device was an adequate and effective treatment for all kinds of ailments and for many so-called incurable diseases; that its use would increase the number of red blood corpuscles; that it was an effective treatment for asthma and all diseases of the respiratory organs; that it would dissolve and break up abnormal deposits such as arthritis and nephrolithiasis or cholelithiasis; that the device was an adequate and effective treatment for anemia, pernicious anemia, colitis, arthritis, sinusitis, head colds, cardiovascular renal disease, tuberculosis, and rheumatism; and that it would improve the general health and make one more active physically, psychologically, and sexually. The device was not an adequate and effective treatment for such conditions, and it was not capable of fulfilling the promises of benefit made for it.

DISPOSITION: April 21, 1954. Default decree of condemnation. The court ordered that the devices and accompanying labeling be delivered to the Food and Drug Administration.

4358. Misbranding of Miracle hearing aid. U. S. v. 237 Devices, etc. (F. D. C. No. 35413. Sample No. 55168-L.)

LABEL FILED: August 31, 1953, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about July 28, 1952, by Miracle Hearing Aid, Inc., from East Orange, N. J.

PRODUCT: 237 unassembled devices called the *Miracle hearing aid* at Sheboygan, Wis., together with a number of brochures and window placards designated as "Sensational, New Miracle Hearing Aid."

When assembled, the device consisted of a piece of wire, twisted into the shape of a miniature tuning fork, and rubber discs with perforated centers into which the wire was to be inserted.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned brochures and placards were false and misleading. The statements represented and suggested that the device was effective for ena-

bling deaf persons and those suffering from impaired hearing to hear normally, whereas the device was not effective for such purposes.

DISPOSITION: March 17, 1954. Default decree of condemnation and destruction.

4359. Misbranding of Miracle hearing aid. U. S. v. 39 Devices * * *. (F. D. C. No. 35369. Sample No. 59523-L.)

LABEL FILED: July 31, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: The devices were shipped on or about April 6, 1953, or on other dates unknown, by the Miracle Hearing Aid Co., from Newark, N. J., to Miami, Fla., consigned to A. E. Komes, and were thereafter reshipped by A. E. Komes from Miami, Fla., to Aurora, Ill.

PRODUCT: 39 devices called the *Miracle hearing aid* at Aurora, Ill. The device consisted of a piece of wire, twisted into the shape of a miniature tuning fork, and rubber discs with perforated centers into which the wire was to be inserted.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "Sensational, New Miracle Hearing Aid" were false and misleading. The statements represented and suggested that the device provided an adequate and effective aid to auditory acuity of deaf persons, whereas the device did not provide an adequate and effective aid to the auditory acuity of deaf persons. The device was misbranded when introduced into and while in interstate commerce and while held for sale after shipment in interstate commerce.

DISPOSITION: September 24, 1953. Default decree of condemnation. The court ordered that the devices be turned over to the Food and Drug Administration.

DRUG FOR VETERINARY USE

4360. Misbranding of udder ointment. U. S. v. 9 Cases * * *. (F. D. C. No. 36064. Sample No. 83262-L.)

LABEL FILED: October 28, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 17, 1953, by the Peerless Serum Co., from Kansas City, Mo.

PRODUCT: 9 cases, each containing 12 jars, of udder ointment at Chicago, Ill.

LABEL, IN PART: (Jar) "Udder Ointment 1 lb. net wt. Contains: Phenol, Methyl Salicylate, Oil Eucalyptus, Turpentine, Lanolin, Petrolatum, Biebrich Scarlet * * * Dosage For local application of non-tubercular inflammations of the udder of both cows and mares."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the jar label, contained statements which represented and suggested that the article was an adequate and effective treatment for mastitis of cows and mares, which statements were false and misleading since the article was not an adequate and effective treatment for such conditions.

DISPOSITION: February 9, 1954. Default decree of condemnation and destruction.